



California Regional Water Quality Control Board

San Diego Region



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Arnold Schwarzenegger
Governor

TO: Interested Persons

FROM: 
John H. Robertus
Executive Officer

DATE: May 13, 2009

SUBJECT: CONDITIONAL WAIVER No. 4 FOR AGRICULTURAL AND NURSERY OPERATIONS

Important Information for Agricultural Operations

This notice provides important information for agricultural operators in San Diego County and sections of Orange County and Riverside County regarding discharges of wastewater and storm water from agricultural operations and nurseries located in the San Diego Region. Please note that all commercial growing operations are required to comply with Conditional Waiver No. 4.

Basic Information You Need

This memorandum provides basic information for enrolling in the Agricultural Waiver Program (Conditional Waiver No. 4). A critical feature of the waiver process is your decision to participate in the required monitoring program as an individual operator or as a member of a monitoring group. In nearly all instances, it would be in the best interests of agricultural operations to consider joining a monitoring group to share the cost of required monitoring.

I. Requirements of Conditional Waiver No. 4

The major requirements of Conditional Waiver No. 4 are as follows:

1. Submit a Notice of Intent to enroll under Conditional Waiver No. 4.
2. Submit a Monitoring and Reporting Plan and Quality Assurance/Quality Control Plan for testing of site-related discharges.
3. Conduct water quality monitoring.
4. Submit a monitoring report.
5. Implement any necessary measures (management practices) to minimize or eliminate the discharge of pollutants.

The Regional Board, with the support of agencies such as the Resource Conservation Districts, the National Resource Conservation Service, and the UC Extension, will provide assistance and education in determining what management practices can be applied to reduce sources of pollution and control pollutant discharges.

II. Options for Enrollment Under Conditional Waiver No. 4

There are 2 options for participation in the Agricultural Waiver Program.

1. Enroll in the program as an Individual Discharger, or
2. Enroll in the program as a member of a Monitoring Group.

Both Individual Dischargers and Monitoring Groups must submit to the Regional Board by **January 1, 2011** the following:

California Environmental Protection Agency

1. Notice of Intent (NOI).

By **January 1, 2012**, each Monitoring Group and any Individual Discharger, must submit:

2. Monitoring and Reporting Program Plan (MRPP); and
3. Quality Assurance Project Plan (QAPP).

The NOI serves as the Individual Discharger's or Monitoring Group's statement to the Regional Board that they intend to comply with the conditions of the waiver program. Surface water monitoring is needed in order to determine the effectiveness of management practices implemented to minimize or eliminate the discharge of pollutants. In addition, monitoring provides growers with an opportunity to show that they are not causing surface water impairment and do not need to implement additional measures to control discharges of pollutants.

III. Fees

The Regional Board is currently not charging a fee to enroll. Enrollees will, however, be required to pay annual fees beginning in 2013. In addition, there are costs associated with monitoring. Any farming operation that enrolls in a monitoring group must pay fees to the monitoring group to offset the costs of conducting monitoring and reporting. Such fees should be significantly lower than the costs associated with monitoring as an individual because the costs will be borne by a large number of growing operations. For example, the cost of preparing a monitoring plan (which can be as high as \$15,000 for an individual enrollee) should be nominal when a monitoring group shares the cost.

IV. Conditional Waiver Process

The California Regional Water Quality Control Board, San Diego Region (Regional Board) is the state regulatory agency responsible for protecting surface and groundwater quality within the 3,900 square mile area that forms the San Diego Basin. On October 10, 2007 the Regional Board adopted Conditional Waiver No. 4 for Discharges from Agricultural and Nursery Operations (Order No. R4-2007-0104). Conditional Waiver No. 4 specifies specific regulatory requirements that must be observed by all commercial growers in the San Diego Region that employ irrigation. Growers who do not enroll under the waiver or otherwise fail to comply with waiver conditions are subject to enforcement action including monetary penalties.

Conditional Waiver No. 4 was drafted for agricultural operations in response to Federal and State legislation that requires that sources of pollution that have traditionally not been regulated under the established permitting programs (referred to as non-point sources of pollution) be required to either obtain permits for discharging waste (known as Waste Discharge Requirements or WDRs) or be regulated under conditional waivers of permits. Waivers allow low risk waste dischargers to the environment to avoid standard permitting requirements provided that certain conditions (as prescribed in the conditional waiver) are adhered to. Conditional waivers provide an alternative which can be implemented at low cost and with relatively little effort (compared to WDRs).

V. Additional Information

To obtain additional information about Conditional Waiver No. 4, please visit the Regional Board's website at:

<http://www.waterboards.ca.gov/sandiego/html/waivers.html>

If you do not have internet access, please contact Regional Board staff to request the template documents.

For additional information regarding the Conditional Waiver No. 4, or to request contact information for Monitoring Groups in the San Diego Region, please contact Pete Peuron at (858) 637-7137 or ppeuron@waterboards.ca.gov.

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